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Michael J. Shortley, III  
Senior Corporate Attorney



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JUN - 5 1992

Federal Communications Commission  
Office of the Secretary

June 4, 1992

BY OVERNIGHT MAIL

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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JUN 5 1992

Re: CC Docket No. 92-105

FCC MAIL BRANCH

Dear Ms. Searcy:

Enclosed for filing please find an original plus nine (9) copies of the Comments of Rochester Telephone Corporation in the above proceeding.

To acknowledge receipt, please affix an appropriate notation to the copy of this letter furnished herewith for that purpose and return same to the undersigned in the enclosed self-addressed envelope.

Very truly yours,

Michael J. Shortley, III

cc: Downtown Copy Center

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JUN - 5 1992

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
)  
)

The Use of N11 Codes and Other )  
Abbreviated Dialing Arrangements )  
)  
)

CC Docket No. 92-105

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COMMENTS OF ROCHESTER  
TELEPHONE CORPORATION

JUN 5 1992

FCC MAIL BRANCH

JOSEPHINE S. TRUBEK  
General Counsel

ROCHESTER TELEPHONE CORPORATION  
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Michael J. Shortley, III  
of Counsel

June 4, 1992

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In the Matter of

The Use of N11 Codes and Other  
Abbreviated Dialing Arrangements

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COMMENTS OF ROCHESTER  
TELEPHONE CORPORATION

Federal Communications Commission  
Office of the Secretary

Rochester Telephone Corporation ("Rochester"), on its behalf and that of its exchange carrier subsidiaries,<sup>1/</sup> submits these comments in response to the Commission's Notice in this proceeding.<sup>2/</sup> The Commission has proposed making N11 codes

<sup>1/</sup> AuSable Valley Telephone Company, Inc., Breezewood Telephone Company, C, C & S Telco, Inc., Canton Telephone Company, Citizens Telephone Company, Inc., DePue Telephone Company, Enterprise Telephone Company, Fairmount Telephone Company, Inc., Highland Telephone Company, Inland Telephone Company, Lakeshore Telephone Company, Lakeside Telephone Company, Lakewood Telephone Company, Lamar County Telephone Company, Inc., Midland Telephone Company, Mid-South Telephone Company, Inc., Midway Telephone Company, Minot Telephone Company, Mondovi Telephone Company, Monroeville Telephone Company, Inc., Mt. Pulaski Telephone & Electric Company, Ontonagon County Telephone Company, Orion Telephone Exchange Association, Oswayo River Telephone Company, Prairie Telephone Company, S & A Telephone Company, Inc., The Schuyler Telephone Company, Seneca-Gorham Telephone Corporation, Southland Telephone Company, St. Croix Telephone Company, Sylvan Lake Telephone Company, Inc., The Thorntown Telephone Company, Inc., Urban Telephone Corporation, Viroqua Telephone Company, Vista Telephone Company of Iowa and Vista Telephone Company of Minnesota.

<sup>2/</sup> The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Dkt. 92-105, Notice of Proposed Rulemaking, FCC 92-203 (released May 6, 1992) ("Notice").

available to enhanced services providers as abbreviated dialing arrangements.<sup>3/</sup>

Currently, many exchange carriers use 411 for directory assistance and 911 for emergency service. In addition, some exchange carriers use 611 or 811 for customers to reach their business offices. Thus, depending upon the number of N11 codes that are already in use, four to six N11 codes may be available for assignment. Because the supply of available N11 codes is extremely limited, the Commission has proposed that exchange carriers be required to allocate these codes in some non-discriminatory fashion. The Commission also requested comment on whether exchange carriers should be permitted to award preferences in assigning N11 codes to parties that propose innovative uses of the network.<sup>4/</sup> Finally, the Commission recognized that N11 codes may be required for other purposes, such as area codes, and, thus, should be recallable on short notice.<sup>5/</sup>

Although the Commission has correctly noted that abbreviated dialing arrangements may be useful both to service providers and to users, it should not require that N11 codes be made available for that purpose. The concerns raised by the

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<sup>3/</sup> Id., ¶ 13.

<sup>4/</sup> Id., ¶ 16.

<sup>5/</sup> Id., ¶ 13.

Commission provide the very reasons that it should decline to adopt its proposal. Rather, the Commission should limit N11 codes to their current uses and reserve any unused codes for future use. As an alternative, the Commission should examine the feasibility of utilizing alternative abbreviated dialing arrangements, such as XX#.

The problems associated with allocating four to six unique codes for abbreviated dialing arrangements will prove intractable and will place exchange carriers in the unenviable position of policing the operations of their customers and competitors. The administrative burdens that the open assignment of N11 codes would create far outweigh any benefits that could possibly result.

First, because only four to six N11 codes will be available in any given geographic area, it is beyond doubt that there will be more applicants than recipients. This situation itself is an invitation to endless litigation over the reasonableness of an exchange carrier's allocation plan. Each type of plan imaginable is subject to attack by disappointed applicants as unreasonable, discriminatory and the like. Regardless of the merits of individual claims, their mere existence will force exchange carriers and the Commission to expend considerable resources addressing them. Those resources undoubtedly could be more productively utilized in dealing with other, more pressing matters.

Second, the Commission's inquiry regarding whether to permit exchange carriers to award preferences to parties that propose innovative uses of the network<sup>6/</sup> is an invitation for even more time-consuming and senseless litigation. Indeed, adoption of this proposal would place exchange carriers in the position of being arbiters of the merits or value of their customers' and competitors' services. If exchange carriers awarded N11 codes on the basis of such preferences, disappointed applicants would almost certainly challenge the basis for such awards. There is no reason for the Commission to encourage this sort of behavior.

Third, litigation over the award of N11 codes would only be the beginning. As the Commission noted, such codes may acquire considerable value that applicants would attempt to appropriate for themselves. Moreover, even if other abbreviated dialing arrangements were available, it is quite conceivable that the holder of an N11 code would possess a significant advantage over a competitor that was not a holder of an N11 code. To discourage attempts to speculate in N11 codes, the Commission would need to develop and enforce an elaborate set of rules governing applications for N11 codes, their transfer or sale and complaints regarding their use. As

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<sup>6/</sup> Id., ¶ 16.

the Commission recently noted,<sup>7/</sup> it has expended enormous resources dealing with speculative abuse in the cellular area. There, however, the Commission had no choice but to limit the amount of spectrum it could make available for cellular service. Here, the Commission need not bring this problem upon itself.

Fourth, once a party has obtained an N11 code, it would have absolutely no incentive to return that code on short notice, even if there were a more pressing need for it. Presumably, such a party would devote significant resources to advertising the N11 dialing arrangement, which would essentially be wasted if the code were actually recalled. Similarly, if, for whatever reason, an exchange carrier sought to transfer a code from one provider to another, that move would be fiercely resisted.

In short, the Commission's proposal is unworkable. Moreover, it is totally unnecessary. As the Commission noted, there may be other abbreviated dialing arrangements that would be far less scarce than N11 codes.<sup>8/</sup> The use of these alternative arrangements would not create the problems that would be inevitable if N11 codes were available for

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<sup>7/</sup> Amendment of Part 22 of the Commission's Rules Relating to License Renewals in the Domestic Public Cellular Radio Telecommunications Service, CC Dkt. 90-358, Report and Order, FCC 91-400, ¶ 33 (released Jan. 9, 1992).

<sup>8/</sup> Notice, ¶ 19.

assignment. Thus, rather than open the availability of N11 codes for use by enhanced services providers, these codes should be restricted to their current uses -- directory assistance, emergency service and the like --- and any unused codes should be reserved for future use.

As an alternative to its proposal, the Commission should encourage exchange carriers to develop alternative abbreviated dialing arrangements that the North American Numbering Plan can accommodate, that will satisfy demand for such arrangements and that are technically feasible. This approach should provide exchange carriers, enhanced services providers and others with the flexibility they need to offer new and innovative features to the public.

Finally, the Commission has requested comment on the role of the states in the allocation of N11 codes.<sup>2/</sup> The Commission should preempt the states from having any role in regulating how N11 codes are used. While a portion of the traffic that an enhanced services provider may generate from its ability to use an N11 code would be intrastate, the decision in the first instance regarding the use to which that code may be put is exclusively federal. The Commission's jurisdiction over the administration of the North American Numbering Plan is

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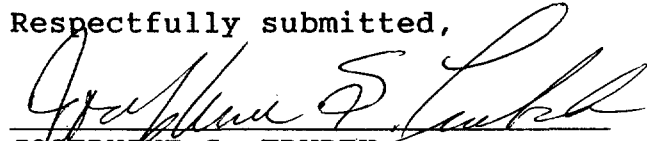
<sup>2/</sup> Id., ¶ 17.



plenary<sup>10/</sup> and, because uniformity in its administration is critical, the Commission's jurisdiction should remain so.

For the foregoing reasons, the Commission should decline to make N11 codes available for use by enhanced services providers as abbreviated dialing arrangements.

Respectfully submitted,



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June 4, 1992

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<sup>10/</sup> Id., ¶ 8.